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09/842,139	04/26/2001	Hideharu Takeshima	206488US0	6553

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EXAMINER
LE, MINH

ART UNIT	PAPER NUMBER
2652	

DATE MAILED: 04/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/842,139	Applicant(s) TAKESHIMA ET AL.	
	Examiner Minh Le	Art Unit 2652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *24 January 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10 and 12-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10 and 12-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

FINAL ACTION

1. This communication is responsive to Amendment filed Jan 24, 2003.

2. Claim 11 was canceled.

Claims 1, 4, 5, 8 and 10 were amended.

Claims 17-25 were added.

Claims 1, 5, 10 and 20 are independent.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 20, 23 and 24 are rejected under 35 U.S.C 102(e) as being anticipated by Komaki (U.S.P 6,437,017).

5. As per claim 1, Komaki teaches in Fig. 1 an optical recording medium comprising a print-receiving layer 7 as the outermost layer on the side opposite to a light incidence side, wherein a pattern is present on the print-receiving layer and the print-receiving layer comprises a cat ion resin. (Col. 5, lines 33-41/col. 12, lines 66-67/col. 13, lines 1-3/col. 10, lines 20-23).

It should be noted that, the optical recording medium of Komaki includes an ink-receiving layer, on which the visual information as a pattern is printed. Therefore, the pattern should be present on the ink-receiving layer.

Komaki teaches a composition for coating, which can form an ink-receiving layer (See Abstract), and the composition comprises a radiation-curable resin (col. 8, lines65-67/col. 9, lines 1-2) and the photo-cation polymerization catalyst (col. 10, lines 20-23).

6. As per claim 20, Komaki teaches in Fig. 1 an optical recording medium comprising a print-receiving layer 7 and a light incidence side (layer 2 in Fig. 1), wherein the print-receiving layer is an outermost layer on the side opposite to a light incidence side, the print-receiving layer comprises two or more print-receiving areas, the print-receiving areas comprise resin mixtures of different colors (Col. 5, lines 33-41/col. 12, lines 66-67/col. 13, lines 1-3/col. 10, lines 20-23).

It should be noted that the ink-receiving layer of Komaki could be divided into several different areas for printing conducted by the printer. Furthermore, an ink jet color printer is used to print the information onto the ink-receiving layer (col. 13, line 1), therefore, the ink-receiving layer of Komaki inherently comprises resin mixtures of different colors.

7. As per claim 2, Komaki teaches the optical recording medium according to claim 1, wherein the entire area of the outermost layer 7 consists of the print-receiving layer (See Fig. 1 and col. 5, lines 33-49).

8. As to claims 3 and 23, Komaki teaches the optical recording medium according to claims 1 and 20, wherein the print-receiving layer 7 is printable with a water base ink by means of an ink jet printer (col. 3, line 1).

9. As per claim 4, Komaki teaches the optical recording medium according to Claim 1, wherein the print-receiving layer contains fine particles having an average particle size of at most 200 nm and is printable with a water base ink by means of an ink jet printer (Col. 14, line 27/col. 3, line 1). It is noted that the Komaki particle size of 0.04μm (40 nm) is less than 200 nm.

10. As per claim 24, Komaki teaches the optical recording medium according to Claim 20, wherein the print-receiving layer contains fine particles having an average particle size of at most 200 nm (col. 14, line 27/col. 3, line 1) and a cat ion resin (col. 8, lines65-67/col. 9, lines 1-2), and is printable with a water base ink by means of an ink jet printer (Col. 14, line 27/col. 3, line 1).

It is noted that the particle size of 0.04μm (40 nm) is less than 200 nm.

Komaki teaches a composition for coating, which can form an ink-receiving layer (See Abstract). Further, the composition comprises a radiation-curable resin (col. 8, lines65-67/col. 9, lines 1-2) and the photo-cation polymerization catalyst (col. 10, lines 20-23). Therefore, the ink receiving of Komaki contains a cation resin.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. Claims 17 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komaki.

13. As to claims 17 and 25, Komaki teaches the optical recording medium according claims 1 and 20, wherein the print-receiving layer comprises of fine particles of an inorganic substance (col. 4, lines 33-49/col. 14, lines 66-67/col. 15, lines 1-9).

But Komaki does not teach the ratio of 30% to 50% of the fine particle in the compound making the print-receiving layer.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the print-receiving layer of Komaki with the ratio of 30% to 50% of fine particle.

The motivation would have been obvious because one of ordinary skill in the art would have been motivated to modify the print-receiving layer in the course of routine engineering optimization/experimentation to obtain fine pores with high porosity.

Moreover, absent a showing of criticality, i.e., unobvious or unexpected results, the condition of the ratio of 30% to 50% of fine particle as set forth in claims 17 and 25 is considered to be within the level of ordinary skill in the art.

Additionally, the law is replete with cases in which the mere difference between the claimed invention and the prior art is some range, variable or other dimensional limitation within the claims, patentability cannot be found.

In furthermore has been held in such a situation, the applicant must show that the particular range is critical, generally by showing that the claimed range achieves unexpected results relative to the prior art range(s); see In re Woodruff, 919 F.2d 1575, 1578, 16 USPQ2d 1934, 1936 (Fed. Cir. 1990).

Moreover, the instant disclosure does not set forth evidence ascribing unexpected results due to the claimed dimensions; see Gardner v. TEC Systems, Inc., 725 F.2d 1338 (Fed. Cir. 1984), which held that the dimensional limitations failed to point out a feature which performed and operated any differently from the prior art.

14. Claims 5-9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komaki in view of Koike et al (U.SP. 5,492,744).

15. As per claim 5, Komaki teaches in Fig. 1 an optical recording medium comprising a print-receiving layer 7 as the outermost layer on the side opposite to a light incidence side, wherein a pattern is present on the print-receiving layer (Col. 5, lines 33-41/col. 12, lines 66-67/col. 13, lines 1-3/col. 10, lines 20-23).

It should be noted that, the optical recording medium of Komaki includes an ink-receiving layer, on which the visual information as a pattern is printed. Therefore, the pattern should be present on the ink-receiving layer.

But Komaki does not teach the concaves, convexes of a pattern.

However, Koike teach the optical recording medium, wherein a pattern is formed by concaves or convexes in col. 13, lines 19-22.

It would have been obvious to a person having ordinary skilled in the art at the time of the invention was made to modify the print-receiving layer of Komaki having a pattern of concaves, convexes for transmitting visual information.

16. As per claim 6, Komaki teaches the optical recording medium according to claim 5, wherein the print-receiving layer 7 is printable with a water base ink by means of an ink jet printer (col. 3, line 1).

17. As per claim 7, Komaki teaches the optical recording medium according to Claim 5, wherein the print-receiving layer contains fine particles having an average particle size of at most 200 nm and is printable with a water base ink by means of an ink jet printer (Col. 14, line 27/col. 3, line 1). It is noted that the particle size of 0.04 micro-meter (40 nm) is less than 200 nm.

18. As per claim 8, Komaki does not teach the difference in height of the concave/convex pattern is at least 0.1μm.

However, Koike teaches the optical recording medium, wherein the difference in height of the concave/convex pattern is at least 0.1μm.

It should be noted that, Koike recited, "Concave and convex portion of about 3μm depth or less may be formed on purpose" in col. 13, lines 19-22. Therefore, the concave and convex depth could be chosen as 1μm and 3μm respectively, by which the different in height of the concave and convex patterns is 2μm, which is greater than 0.1μm.

It would have been obvious to a person having ordinary skilled in the art at the time of the invention was made to modify the print-receiving layer of Komaki having the difference in height of the concave/convex pattern is at least 0.1μm for transmitting visual information.

19. As per claim 9, Komaki does not teach a pattern by concaves or convexes is formed on a layer which is in contact with the print-receiving layer, and said pattern is the same as the concave/convex pattern on the print-receiving layer.

It would have been obvious to have the same patterns (visual information) on both concaves and convexes since an ink jet color printer could conduct the printed patterns (visual information). It is the choice of the optical recording media manufactures.

20. As per claim 18, Komaki teaches the optical recording medium according claim 5, wherein the print-receiving layer comprises of fine particles of an inorganic substance (col. 4, lines 33-49/col. 14, lines 66-67/col. 15, lines 1-9).

But Komaki does not teach the ratio of 30% to 50% of fine particle in the compound making the print-receiving layer.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the print-receiving layer of Komaki with the ratio of 30% to 50% of fine particle.

The motivation would have been obvious because one of ordinary skill in the art would have been motivated to modify the print-receiving layer in the course of routine engineering optimization/experimentation to obtain fine pores with high porosity.

Moreover, absent a showing of criticality, i.e., unobvious or unexpected results, the condition of the ratio of 30% to 50% of fine particle as set forth in claim 18 is considered to be within the level of ordinary skill in the art.

Additionally, the law is replete with cases in which the mere difference between the claimed invention and the prior art is some range, variable or other dimensional limitation within the claims, patentability cannot be found.

In furthermore has been held in such a situation, the applicant must show that the particular range is critical, generally by showing that the claimed range achieves unexpected results relative to the prior art range(s); see In re Woodruff, 919 F.2d 1575, 1578, 16 USPQ2d 1934, 1936 (Fed. Cir. 1990).

Moreover, the instant disclosure does not set forth evidence ascribing unexpected results due to the claimed dimensions; see Gardner v. TEC Systems, Inc., 725 F.2d 1338 (Fed. Cir. 1984), which held that the dimensional limitations failed to point out a feature which performed and operated any differently from the prior art.

21. Claims 10, 12-16, 19, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komaki in view of Gillery (U.SP. 4,920,006).

22. As per claim 10, Komaki teaches in Fig. 1 an optical recording medium comprising a print-receiving layer 7 as the outermost layer on the side opposite to a light incidence side, wherein a colored pattern is present on the print-receiving layer (Col. 5, lines 33-41/col. 12, lines 66-67/col. 13, lines 1-3/col. 10, lines 20-23/col. 13, lines 1-3).

It should be noted that, the optical recording medium of Komaki includes an ink-receiving layer, on which an ink jet color printer prints the visual information as a pattern. Therefore, a colored pattern should be present on the ink-receiving layer.

Komaki does not teach the colored pattern having an XYZ color system chromaticity coordinate (x, y) of reflected light at an optional portion on the print-receiving layer satisfying the formula (1): $(x - 0.32)^2 + (y - 0.32)^2 < 0.015$ (1).

Gillery teaches an XYZ color system chromaticity coordinate (x, y) (See table II, col. 5).

Table II discloses a coordinate (x, y) as x = 0.2282 and y = 0.2453

Therefore $(x - 0.32)^2 + (y - 0.32)^2 = (.2282 - 0.32)^2 + (.2453 - 0.32)^2 = 0.014 < 0.015$

It would have been obvious at the time of the invention was made to one of ordinary skill in the art to apply the XYZ color system chromaticity coordinate (x, y) of Gillery into the ink-

receiving layer of Komaki, in order to provide a layer with high color saturation, as taught by Gillery in col. 2, lines 60-61.

23. As per claim 13, Komaki teaches the optical recording medium according to claim 10, wherein the print-receiving layer 7 is printable with a water base ink by means of an ink jet printer (col. 3, line 1).

24. As per claim 14, Komaki teaches the optical recording medium according to Claim 10, wherein the print-receiving layer contains fine particles having an average particle size of at most 200 nm and is printable with a water base ink by means of an ink jet printer (Col. 14, line 27/col. 3, line 1). It is noted that the particle size of 0.04 micro-meter (40 nm) is less than 200 nm.

25. As per claim 16, Komaki teaches the optical recording medium according to claim 15, wherein the print-receiving layer 7 is printable with a water base ink by means of an ink jet printer (col. 3, line 1).

26. As to claims 12 and 22, Komaki does not teach the XYZ color system chromaticity coordinates (x1, y1) and (x2, y2) of reflected light at optional two portions on the print-receiving layer satisfying the formula (2): $(x1- x2)^2+(y1- y2)^2 <= 0.012$ (2)

Gillery teaches an XYZ color system chromaticity coordinate (x, y) (See table II, col. 5).

Table II discloses the coordinates (x1, y1) and (x2, y2) as:

x1 = 0.2282 and y1 = 0.2453 in row 1, and x2 = 0.2280 and y2 = 0.2442 in row 2

Therefore, $(x1-x2)^2+(y1-y2)^2 = (0.2282-0.2280)^2+(0.2453-0.2442)^2 = 0.00000125 <= 0.012$

It would have been obvious at the time of the invention was made to one of ordinary skill in the art to apply the XYZ color system chromaticity coordinate (x, y) of Gillery into the ink-

receiving layer of Komaki, in order to provide a layer with high color saturation, as taught by Gillery in col. 2, lines 60-61.

27. As per claim 15, Komaki does not teach the XYZ color system chromaticity coordinate (x, y) of reflected light at an optional portion on the print-receiving layer satisfying the formula (1), and the XYZ color system chromaticity coordinates (x1, y1) and (x2, y2) of reflected light at optional two portions satisfying the formula (2):

$(x-0.32)^2+(y-0.32)^2 <= 0.015$ (1)

$(x1-x2)^2+(y1-y2)^2 <= 0.012$ (2)

Gillery teaches an XYZ color system chromaticity coordinate (x, y) (See table II, col. 5).

Table II discloses a coordinate (x, y) as x = 0.2282 and y = 0.2453 in row 1.

Therefore $(x - 0.32)^2 + (y - 0.32)^2 = (.2282 - 0.32)^2 + (.2453 - 0.32)^2 = 0.014 <= 0.015$

Table II discloses the coordinates (x1, y1) and (x2, y2) as:

x1 = 0.2282 and y1 = 0.2453 in row 1, and x2 = 0.2280 and y2 = 0.2442 in row 2

Therefore, $(x1-x2)^2+(y1-y2)^2 = (0.2282-0.2280)^2+(0.2453-0.2442)^2 = 0.00000125 <= 0.012$

It would have been obvious at the time of the invention was made to one of ordinary skill in the art to apply the XYZ color system chromaticity coordinate (x, y) of Gillery into the ink-receiving layer of Komaki, in order to provide a layer with high color saturation, as taught by Gillery in col. 2, lines 60-61.

28. As per claim 19, Komaki teaches the optical recording medium according claim 10, wherein the print-receiving layer comprises of fine particles of an inorganic substance (col. 4, lines 33-49/col. 14, lines 66-67/col. 15, lines 1-9).

But Komaki does not teach the ratio of 30% to 50% of fine particle in the compound making the print-receiving layer.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the print-receiving layer of Komaki with the ratio of 30% to 50% of fine particle.

The motivation would have been obvious because one of ordinary skill in the art would have been motivated to modify the print-receiving layer in the course of routine engineering optimization/experimentation to obtain fine pores with high porosity.

Moreover, absent a showing of criticality, i.e., unobvious or unexpected results, the condition of the ratio of 30% to 50% of fine particle as set forth in claim 19 is considered to be within the level of ordinary skill in the art.

Additionally, the law is replete with cases in which the mere difference between the claimed invention and the prior art is some range, variable or other dimensional limitation within the claims, patentability cannot be found.

In furthermore has been held in such a situation, the applicant must show that the particular range is critical, generally by showing that the claimed range achieves unexpected results relative to the prior art range(s); see In re Woodruff, 919 F.2d 1575, 1578, 16 USPQ2d 1934, 1936 (Fed. Cir. 1990).

Moreover, the instant disclosure does not set forth evidence ascribing unexpected results due to the claimed dimensions; see Gardner v. TEC Systems, Inc., 725 F.2d 1338 (Fed. Cir. 1984), which held that the dimensional limitations failed to point out a feature which performed and operated any differently from the prior art.

29. As per claim 21, Komaki does not teach the colored pattern having an XYZ color system chromaticity coordinate (x, y) of reflected light at an optional portion on the print-receiving layer to satisfy the formula (1): $(x - 0.32)^2 + (y - 0.32)^2 < 0.015$ (1).

Gillery teaches an XYZ color system chromaticity coordinate (x, y) (See table II, col. 5).

Table II discloses a coordinate (x, y) as x = 0.2282 and y = 0.2453 in row 1

Therefore $(x - 0.32)^2 + (y - 0.32)^2 = (.2282 - 0.32)^2 + (.2453 - 0.32)^2 = 0.014 < 0.015$

It would have been obvious at the time of the invention was made to one of ordinary skill in the art to apply the XYZ color system chromaticity coordinate (x, y) of Gillery into the ink-receiving layer of Komaki, in order to provide a layer with high color saturation, as taught by Gillery in col. 2, lines 60-61.

RESPONSE TO ARGUMENTS

30. Applicant's arguments with have been fully considered but they are not persuasive.

Applicant argued that:

A. **The Komaki reference does not disclose an cation resin.**

Examiner's response to point A:

The cation resin of the present invention is described in the applicant specification as "The cation resin may be optional one having a cationic moiety in its molecule, and a cation modified product of polyacrylamide, a copolymer of acrylamide with a cationic monomer, a copolymer of a cation modified product of a tertiary amino group-containing (meth) acrylate with another common monomer, or polyallylamine, polyaminesulfone, polyvinylamine,

polyethyleneimine, polyamideepichlorohydrin or polyvinylpyridinium halide may, for example, be mentioned" (page 13, lines 10-18).

And the water resistance property of the print-receiving layer is disclosed in the applicant specification as "As the fine particles, preferred are fine particles of an inorganic substance in view of e.g. heat resistance, water resistance or solvent resistance, and particularly preferred is a metal oxide, particularly silica, in view of easiness of obtaining fine particles" (page 11, lines 10-14).

Komaki teaches the water resistance property of the ink-receiving layer in the abstract as "There are provide a composition for coating which can form in ink receiving layer having excellent adhesion with hydrophobic substrates, water resistance and printing stability, and an optical recording medium having an ink receiving layer formed from this composition".

Komaki teaches the composition comprises a radiation-curable resin (col. 8, lines65-67/col. 9, lines 1-2) and the photo-cation polymerization catalyst (col. 10, lines 20-23).

Furthermore, the ink-receiving layer of Komaki and the print-receiving layer of the present invention have the same property as "water resistance" (see abstract).

Therefore, the cation resin would be present in the ink-receiving layer of Komaki.

B. **The concaves or convexes of Koike do not form a pattern for transmitting visual information.**

Examiner's response to point B:

A pattern of the present invention is described in the applicant specification as "a character A is formed on the print-receiving layer as a convex pattern" (page 5, lines 5-6).

Komaki discloses an optical recording medium including an ink-receiving layer being made of cation resin (as mentioned in point A), but such layer does not have the shape of concave or convex.

Koike discloses a printing layer of an optical recording medium having the shape of concaves or convexes (col. 13, lines 19-22).

It would have been obvious to a person having ordinary skilled in the art at the time of the invention was made to modify the print-receiving layer of Komaki having a pattern of concaves, convexes for transmitting visual information.

An ink jet color printer onto the ink-receiving layer could print a pattern, and the shape of the pattern is the same the shape (concave/convex) of the ink-receiving layer. The purpose of the pattern printed on the ink-receiving layer is for visual information.

However, the limitation "for transmitting visual information" is out of the scope of the claim invention.

C. **The structure of the claimed invention and the coated articles discloses in Gillery are different, and the dielectric film of Gillery patent is used for architectural coatings on glass.**

Examiner's response to point C:

Examiner did not state that the Gillery film could be employed as a layer of an optical recording medium.

Komaki teaches the print-receiving layer being printable by an ink jet color printer (col. 3, line 1).

Gillery teaches an XYZ color system chromaticity coordinate (x, y) satisfying all the aforementioned conditions (1), (2) and (3). (See table II, col. 5).

It would have been obvious at the time of the invention was made to one of ordinary skill in the art to apply the XYZ color system chromaticity coordinate (x, y) of Gillery into the ink-receiving layer of Komaki, in order to provide a layer with high color saturation, as taught by Gillery in col. 2, lines 60-61.

31. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

INQUIRES

32. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Le whose telephone number is (703) 305-7867. The examiner can normally be reached on 10:00AM - 7:00PM (Mon- Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T Nguyen can be reached on (703) 305-9687. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3718 for regular communications and (703) 305-3718 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

ML
April 2, 2003

WILLIAM KLIMOWICZ
PRIMARY EXAMINER